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# Role of Children and Juvenile Justice Jurisprudence: A Comparative Sketch of Rehabilitation- Reintegration Models

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## ABSTRACT

**The concept of Rehabilitation is an evolvement from the traditional concept of reformation. While a successful model of rehabilitation would entail optimum ability enhancement via different measures and services along with fitting level of physical, social and psychological support, a successful Reintegration would ensure such person is accepted back in the community and can work as an active member.Both the R's have to work in union with each other or the model will fail. The present research paper will discuss various in-practice comprehensive Youth Justice Models (that include Rehabilitation-Reintegration and at times restorative practices) around the World as well as the Rehabilitation-Reintegration Model in India. The paper would further attempt to identify the problems areas and best practices withinsuch accepted models/approaches.**

**Keywords: Rehabilitation-Reintegration Model, Juvenile Justice, Children-in-Conflict, Youth Justice Models**

## INTRODUCTION

Historically, children have been treated differently than the adult's counterparts within criminal justice system. Ancient Roman law protected childrenbelow a certain age as they being doli incapax they lacked knowledge and guilt ofthe true nature of act of offence they were committing. Since they didn't have the guilt, mens rea didn't apply to them. In present times too, many States do have special consideration provided to children who come in conflict with the existing rules and regulations. Almost all the countries have made specific provisions towards granting relief, protection and rehabilitation to the CCL (Hazel A.N., 2008). Some countries have adopted welfare model, while others have opted for justice model, and post CRC, the laws are getting more child friendly although many countries focus largely on determining the accountability, punishment and procedural formality.

Largely, it could be submitted that the sentencing in case of an adult who isconvicted of an offence is influenced by considerations of Deterrence, Retribution and Rehabilitation. The consideration varies in case of children, wherein, the greatest weightage has been imparted towards the rehabilitation of such children (Piquero A, Steinberg L. 2008). Among all the nations, Belgium is regarded as the one nation which has a strong welfare process in regard to children who come within the criminal justice. It has one of the highest minimum age for criminal responsibility at eighteen years. Another country which has made a high mark in this regard is France who has placed education and rehabilitation as their fundamental to the Youth Justice Reforms since the 1940s. New Zealand came up with the methodology of Family Group Conferencing aimed towards maximizing youth justice, and juvenile's rehabilitation as a part of their welfare approach. Contrary to these positive steps bysome European States, United Kingdom and USA have stuck to archival Justice Model and provide for a extremely low age of criminal responsibility, which is 10 years in case of England and Wales, and shockingly which is just 6 years in case ofmany states in USA (Susan, Y. Ben, G. and Richard, C.,2017).

The Welfare or Justice Models, establish that a child who offends law might be 'deprived of liberty', and might be contained and detained by authorities in some form in police stations, detention centers, specialized rehabilitation institutes, juvenile or adult prisons, secure remand homes etc. (Stevens A, Kessler I, Gladstone B.,2006.). United Nations have always encouraged the implementation of specialized systems in order to maintain CCL. Ata time when the first children's courts were established around 1930's in the UnitedStates of America, it attracted huge praise across the globe as a progressive systemaimed towards serving best interest of child. The system was praised as it was seemas a more informal system, however by 1960's there were huge concerns regardingthe child welfare and the overall process questioning the due process employed towards the protection of children themselves. This was followed by the

establishment of various formal Juvenile Courts, aimed towards rehabilitating andreforming the juvenile offenders, a move in contrast to the earlier approach of incarceration of juveniles. The following years witnessed a huge increase in the crimes committed by juveniles, particularly all through 1990s, and the public at large opined for a more punitive direction in this context (Andrews, D. A., Ivan Zinger etal.1990). This led to evolvement of various legal reforms which enhanced the severity of penalties available to juvenile courts and reduced the age for juveniles who could be tried in adult criminal courts.

The 1990s witnessed the introduction of UN Convention on the Rights of the Child to which USA was not signatory, as many of the US states allowed for capital punishment for children who committed offences. As many as 19 such children were given capital punishment in USA during 1990-2005. This period was black period for history of a developed nation like US and drew it huge criticism at the international stage, by the international bodies and organizations (Streib VL,2004). As a resultof this massive protest and criticism from the international bodies the US Supreme Court (Roper v Simmons, 2005). outlawed capital punishment for children within the USA. It must be noted that there are still few countries which award capital punishment to children, at times owing to religious or customary practices and laws.

However, it would be wrong to submit here that welfare systems are always preferable to a juvenile justice system, there have been many instances under the welfare justice models where the liberty of juvenile have been forced away and they have been felt deprived of it. It is noticed that at many times, welfare models can beequally intimidating. Therefore, even the welfare models may lack in this regard towards ensuring the liberty of juvenile offenders at many instances and stages.

It is suggested that a better way to work towards children and their betterment can be while they are themselves involved to certain degree in the progression towards their rehabilitation. By merely treating them as ‘troublemakers’ or ‘problem children’ will definitely not serve the purpose. Therefore, to recognize and respect the CCL’s rights is a significant first stride in this course.

There has been a steady shift over the years in approach from treating the CCL as trouble makers, hence, their treatment has gone from regular criminal justice towards more reformative. It is believed that such children should be rehabilitated to minimize the repeat offending while they are still at their developmental stages. Institutionalization for such children therefore is seen as a last resort and that too for the minimum possible duration. Such children are rathermade to feel more responsible of their actions via various community-based programs as alternatives.

The process of rehabilitation includes a network of different professionals. These professionals have to undertake this difficult task within a limited time frame. All these strategic interventions are aimed towards improving the rehabilitation process for the children who come in conflict with the laws.

For successful rehabilitation and re-integration of children in conflict with law it becomes necessary to develop a multi-dimensional approach. Prevention of juvenile crimes, proper timely interventions can help strengthen the rehabilitation process. There is an urgent need to address the emotional, physical, intellectual, relational, creative as well as their and spiritual needs of CCL. Therefore there is need to shift the attitudes from need based approach to rights based approach while rehabilitating children in conflict with law.

Rehabilitation is a crucial step to put the survivors/victim and children in conflict with law back in the society as well as to prevent recidivism. This cannot be completed without maintaining follow up to assess their socio economic and educational status. Rehabilitation measures also have to be different for such children who came in conflict with law who are in institutional care as also the oneswho are been released from the institution. While child care institutions need to takesteps to ensure rehabilitation of the child when he/she is in its care, probation officers/social workers also have to make sure that the process of rehabilitation is not interrupted when the child re-enters in the community.

There are multiple factors which need to be considered when one imaginesthe situation of a CCL. These include socio-psychological, family and peer-relatedinfluences. CCLs require rehabilitation and re-integration in to the society in the form of sponsorship, at time even foster care and aftercare. The UNCRC has recognized the importance of diverting children to alternate systems from the traditional formal criminal justice system. India as a voluntary member State to CRC, as well as Parens Patriae also has obligation to provide for all its children such diversionary methods in case they come in conflict with the rules andregulations.

At this point it will be helpful to cognize the importance of restorative justice in the rehabilitation process in cases of children. Many programme of restorative justice are given voice in juvenile justice. The table below shows the difference between regular criminal justice and alternate restorative justice.

**Table: Difference between Criminal Justice and Restorative Justice**

| | Criminal Justice | Restorative Justice |
|---|---|---|
| The crime is committed against whom? | State | Victim/Community |
| Response towards Offender | Serves Punishment | Accept responsibility<br>Tries repairing harm |
| Victim's Role? | Acts as witness | Has say in restitution |
| Focus of System? | Find guilt and establish crime | Finds reasons for crime<br>Tries restore balance<br>Minimize harm |

Rehabilitation for CCL also rests on the principle of restorative justice which seeks to restore the balance of a situation disturbed by crime or conflict rather than just simply meting out punishment for an offence committed. It means taking responsibility to make things right insofar as possible, both concretely and symbolically (Kethineni S, Klosky T,2000). A wrong doing does create obligations and once responsibility of such obligations is taken it becomes the start of honest accountability. Within restorative model of justice the person who has committed the offence is encouraged over a period of time to recognize and realize what hard he/she has caused and to own up to its consequences and the responsibilities arising out of thesame. This format involves the community. Similarly, Juvenile law administrationpractices in India through the rehab-reintegration services make aware to the children that how their crime affects and impacts the victim/society/community negatively. They are made aware how they can get a fresh start leaving the life of crime. Restorative justice looks at a crime with a different lens. While regular criminal system is based on the intent of pinning down the accused, restorative models goes on to find reasons and try going mitigating those.

A large part of juvenile justice around the world tries to use fragments of restoration model too whilst dealing with the CCL as well as the family and community is concerned. Few alternate models for CCL are discussed below.

**Youth Justice Models: Rehabilitation-Reintegration Approach In Different Jurisdictions**

**THE GOOD LIVES MODEL**

In the context of sexual offending treatment programs, The Good Lives Model (Ward & Gannon, 2006; Ward & Stewart, 2003) has garnered huge popularity and acceptance (McGrath, Cumming, Burchard, Zeoli, &Ellerby, 2010) and is therefore being successfully employed in distinct jurisdictions across the globe. The Good Lives Model is basically a strengths-based method aimed towards the rehabilitation of the offender keeping in mind the need, need, and responsivity principles of effective correctional intervention (RNR; Andrews &Bonta, 2010). It has been established through previous researches that The Good Lives Model encourages client engagement in treatment and reduces dropoutsfrom programmes (Simons, McCullar & Tyler, 2006), a factor well-known to beassociated with higher recidivism rates (Olver, Stockdale & Wormith, 2011).The basic assumption about

The Good Lives Model is that the offences are committed due to an individuals' method of attaining primary human goods, for attaining his/her objectives the individual commits an offence. However, there could be multiple reasons behind this, it could be due to friendship, or to gain happiness indoing a particular act, or to gain mastery in carrying out an act, or due to a relationship commitment, therefore there is no single reason behind such behavior, it varies from individual to individual (Yates, Prescott, & Ward, 2010).

**VICTIM-OFFENDER MEDIATION**

Victim-Offender Mediation is quite different from the main stream juvenilejustice system programs which are a part of many jurisdictions across the globe, this is also called "victim-offender reconciliation programs" or "victim-offender dialogprograms", and enjoy great popularity in USA, Europe and Canada.

As has been observed in many North American countries, there have been more than one thousand cases referred from local courts, however, in most of the cases the offences were found to be petty, for serious and heinous offences this methodology (Victim-Offender Mediation) is largely used (Umbreit, 1997).

This methodology allows meeting the offenders in a safe and structured setting so that such an environment encourages mediation between the victim and the offender all these mediation activities are guided and supervised under a trained mediator, with whom the victim shares his/her trauma and all the details regarding the incident that occurred. This further pave way towards making a repatriation plan. The methods involved in Victim-Offender Mediation process is quite different from that adopted in various courts, as both the parties are agreed and clear about their past actions and future plan. In a way there is no dispute among the parties regarding anything, that why the Victim-Offender Mediation method has gained huge popularity among many American and European Countries (Umbreit, 1997).

The above model isn't very feasible option to be emulated in Indian scenario. Most petty offences like pick pocketing, thefts etc. are committed by children because of their poor socio-economic backgrounds and wrong peer group.For serious or heinous offences also, the children are seldom at a position to makefinancial debt repayment, nor would that be accepted in most cases. Mediation via special trained staff would pose another challenge to already ineffective implementation in most states.

**COMMUNITY REPARATIVE BOARDS**

This methodology could be termed as a newer version of community sanctioning response towards juvenile crime and justice system. The acceptance and implementation of these practices could be found as later as 1920s in USA, the mid-1990's witnessed the implementation of Reparative Boards. Historically these boards were concerned with the adult offenders, involved in patty offences, however later on it was also used in regard to juvenile crime. The constitution of these Reparative Boards comprises of citizens, specially trained in this regard to carry out interaction with the victim and offender, authorized by the courts and is accountable towards them (Klien, A. 1995).

**PROCEDURES AND GOALS**

As a part of the methodology inn case of Reparative Boards, the members ofthe board carry out discussion with the offender to understand the nature of the crime committed and the consequences attached to it. These discussions are followed by developing a set of proposed sanctions, which are explained to the offender and his explanation and acceptance is sought in this regard. After the implementation of these sanctions on the offender, timely progress is sought withina stipulated period and its report is further submitted to the court showing offender's compliance/non-compliance and this ends the board's involvement withthe offender.

**KEY ISSUES IN IMPLEMENTATION**

As a result of the public opinion survey in 1994, The Vermont Departmentof Corrections implemented its Reparative Probation Program in 1995 where the emphasis was on implementing programs with a reparative emphasis and active community involvement.

The program separated the probation into different parts, viz., community service units, which were meant for CCL who were identified as having more habitual offending patterns or serious cases, as well as theprogram also had court and reparative service unit, which was meant for maintaining coordination, liaison and to provide supportive services to the reparative programs. The model which was practiced in Vermont, has resulted in recognizing various important factors towards executing the community-led Reparative Board Programs, which were listed by their criminal department:

- To ensure this program is spread and used more widely by JJ system, viz., judges, defense lawyers etc.
- Encourage committed work force
- Work with cooperation with NGO's and ensure victims are given ample participation
- Ensure expedition in the case processing
- To garner positive environment among the board members.

- Granting best training to the board members
- Striving that CCL spends minimum time in program and probation
- Providing adequate resources towards the program needs (Bazemore, G. 2000).

**LEARNING FROM PAST EXPERIENCES**

Regarding the victim-offender-mediation the issue faced is that the data collected has been very limited hence the effectiveness of the model cannot be informed with certainty. It can be stated that for non-violent offences, this model has been seen to be effective though for more serious offences, it requires more factors to evaluate effectiveness.

**FAMILY GROUP CONFERENCING**

This model has been one of the oldest methods historically at various places, though its roots can be seen within the extensive practices of Maori from New Zealand, who have been using this as a method of Dispute Resolution. In its contemporary usage New Zealand national legislation adopted this as a recidivism model in 1989. In the Australian context, they have been using family conferencing method, which is now known as Wagga Wagga model. This was evolved by the Wagga Wagga Police Department and employs police officers towards setting up facilitating family conferencing meetings (Moore, D.B., and O'Connell, T. 1994). At present this kind of model using conference is also seen in various states of USA, viz., Pennsylvania, Vermont, Montana etc.

Wagga Wagga model has been instrumental in resolving many issues like drug offenses, theft, substance use etc. it was recorded in New Zealand that this conference model was even used and was seen effective in extreme violent delinquency cases (Alder and Wundersitz, 1994; Maxwell and Morris, 1993; McElrea, 1993).

This model requires and collects the group of people who are most affectedby the particular act of said offence. They can be the immediate family, peers, supporters, victim as well as the offender all together. There is a trained facilitator who arranges for a collective conference with all/ parts of them in a structured fashion to discuss the harms and possible repair to mitigate the impact on both sides.

**PROCEDURES AND GOALS**

Under the Wagga Wagga model, the professional facilitator makes a contactwith the victim and offender and in order to explain the process and asks them to identify key members of their support systems. The commencement of conferenceinitiates with the description given by the offender about the incident. This is followed by the details given by the other participants about the consequences of such an event (Umbreit and Stacy, 1996).

Such an interaction helps the offender to clearly understand the impact of his/her acts on the victim and his/her family members. This in a way also gives an opportunity to the offender to his feelings and regrets about the incident that happened. After all these discussions the victim is given an opportunity to identify the desired outcomes of this investigation and discussion and its repercussions on the offender. This methodology is quite transparent in nature and helps in identifying the problem-solving process and determines the manner in which the offender can repair the damage caused by his/her acts (Zehr, H. 1990).

**KEY ISSUES IN IMPLEMENTATION**

This methodology has been employed by the concerned authorities in various organizational set-ups like police department, school, community mediationcenters, probation offices etc. this method is a clear diversion from the usual court process for the juveniles towards addressing their issues and concerns in terms of the offences committed and rehabilitation measures thereafter. This method can however be used even post court adjudications.

Therefore, one may witness the cooperation and coordination of multiple agencies working under one umbrella and working in different capacities with a common aim of child welfare and rehabilitation.

**LEARNING FROM PAST EXPERIENCES**

There have been selected few researches conducted to see the effectiveness of this model on the children. One of them by Maxwell and Morris in 1993, who made an effort to evaluate the above in New Zealand case, as there the family conferencing was used extensively.

They found that as a result of this methodology the families of victim and offender have shown great awareness, involvement and coordination towards the whole issues and its consequences. In this study it was established that the family members of the victim and the offender have perceivedthis process as extremely helpful and transparent overall.

The other study to see theimpact of this as a model at its preliminary stage showed that in USA this method has proved to yield great satisfaction and acceptance among the victim and it also showed the offender compliance (Fercello and Umbreit, 1999; McCold and Wachtel, 1998).

Another feat achieved by this methodology has been to reduce the sense of fear among the family members and the victim themselves, which is a huge achievement in this regard. This is in clear contrast from the scenario in case of court process and its outcomes, this process has proved to be faster, flexible and more acceptable.

**CIRCLE SENTENCING**

Circle sentencing is a modernized description of the customary sanction and curative practice of natives in Canada (Stuart, 1995; Melton, 1995). Sentencing, were established way back in 1991 by judiciary and Community Justice Committees. Circle sentencing witnesses its maximum implementation in Saskatchewan, Manitoba, and the Yukon. The year 1996 witnessed its introduction in US. Therefore, historically, this method has been employed in regard to juvenileoffenders as well as adult offenders in Canada.

This model of circle Sentencing has been used as an all-inclusive re- integrative approach which is aimed towards addressing the reformative needs of the juveniles and adult offenders, working in a 'Circle'. Under this approach the various stakeholders, i.e. the victim, the offender, the families, community participants, authorities of juvenile justice etc. they all work in a circle. Therefore, all these works together in identifying the causes of the delinquent behavior, the nature of offence committed buy the juvenile, its consequences, and most importantly the corrective measures.

Circle sentencing therefore includes, an intention/application made by the offender towards its participation, a healing circle for the victim and the offender, a consensus on sentencing proposal, and follow-up circles towards monitoring progress. An important element about this circle model is that it is made to suit the localized needs in a particular case as per the community needs. The process is hence flexible and accordingly made. The main aim of this circle is to reassure healing for affected persons, to endeavour that offender gets a chance to help in restitution and this process also tries to find reasons for offending and tries to address the same. These circles also include various initiatives aimed towards childwelfare (Melton, A. 1995).

**KEY ISSUES IN IMPLEMENTATION**

Just like any rehabilitation program, success of this model is based on the key to support and make healthy association amid various stakeholders in the juvenile justice system and the community at large. In short the both parties need to show maximum interaction and involvement if they want to make these rehabilitation program a success. It becomes important the Community's Planning Process is allowed adequate time towards ensuring strong relationships between thejustice professionals and community at large. In this context it is important that itsimplementation protocol is made very flexible and customized as per the needs, otherwise this circle will not complete successfully and will not serve its basic purpose of child welfare.

Circle process though is used for many children who committed violent crimes too, however all cases may not be appropriate for this model. The social environment of the CCL, their personal behaviour pattern as well as sincerity levelwill have to be assessed before using this method towards their reform and healing.

**LEARNING FROM PAST EXPERIJECING**

Once again, this method efficacy isn't tested because of lack of research onthe same. There exists a single study from 1996 by Justice Stuart from Canada whoopined that children who underwent circle participation are less likely to be involved in recidivism than the ones who were adjudicated in the regular criminal justice system. The children who undergo such circle process also experience sharing of mutual respect and responsibility hence it encourages long lasting solution.

**THE SCOTTISH MODEL OF YOUTH JUSTICE & REHABILITATION**

Bearing similarities to the current Indian Juvenile justice system, the Scottish legal system is quite different from the British Juvenile Justice System. Asa part of reformative measure, in 1960, the Scottish Juvenile Justice System moved from the court based Juvenile Justice System to tribunal based Juvenile Justice System, aimed towards child rights and welfare.

In an investigative review by the Kilbrandon Committee (1964), it was established that the delinquent behavior of children has its roots in the family- centric and individual centric problems, therefore the juvenile offenders needed to be treated and rehabilitated considering their specific needs and not based on a generic approach of their actions. This

repost also recommended that all the juvenile offenders are required to be treated distinctly by a single agency which should aim at working in the best interest of the children.

The recommendations made by this committee were largely supported by the elite class in Scotland, demonstrating strong Scottish civic culture (McAra, 2005). To bring greater transparency to the system and lay greatest emphasis on the child welfare The Social Work (Scotland) Act, 1968, replaced the probation officers with the social workers and also abolished the juvenile courts. In 1971 thenew 'children's hearings system' focused on the establishment of informal tribunalsconsisting of 3 trained volunteers and a social worker. These reforms also witnessedthe introduction of various rehabilitation measures and intermediation, all aimed towards early intervention of the delinquent behavior of the children and timely intervention for their improvements.

This Scottish model of informal tribunal was seen as a model of excellenceby many international organizations as well as different jurisdictions for a long time. The system though have also been shown some apprehensions, viz., Asquith's study (Asquith S, et.al. 2002) stated that since this system was inquisitorial, hence it may amount to excessive intervention in the lives of children than against a regular criminal system, which is unhealthy for the development of a child. Another criticism came from Goldstone (Goldstone B, 2004), who claimed that though Scotland does have a welfare model for children but since the age of criminal responsibility is so less (which as per Children and Young Person (Scotland) Act of 1937 was at 8 years) that most of children have to go through the regular adjudication process.

In Scotland CriminalJustice and Licensing Bill, 2010 annulled any control that vested in the crown to puton trial children below twelve years of age, though to all children above eight yearsthe principle of doli incapex is invalid. Generally, all children under the age of 16 years do have an alternate children justice system and they aren't sent to adult system.

Child rights of juveniles in Scotland have been on an intermittent journey ofvarious additions and changes to its legal system. Children Act, 1995 deviated fromcomplete best interest principle by adding a stipulation of risk which can be posedby the child to be considered while making any decision for them, directing that welfare will not be the primary factor for CCL. Thereafter many changes have been argued about, but implementation of the current system isn't proven to be very effective.

**THE NORTHERN IRELAND SYSTEM OF YOUTHJUSTICE& REHABILITATION**

The Northern Ireland's Youth Justice System (YJS) shares its roots with England and Wales and was largely based on same regulations. It was only after the year 1998 that the juvenile justice in Northern Ireland has witnessed major divergence from the legislatures of England. Though the legislation root has been similar, implementation of this youth justice system in the Ireland has been very distinctive as it was laid down and developed during the tougher times of region with an ever-present element of suspicion towards the concerned authorities (Goldson, 2004). Consequently, the system developed for a long time by community level voluntary organizations instead of imposing state authorities.

Muncie (2011) opined that in Northern Ireland, its geo-politics paved way for a more the progressive Youth Justice System, which took its present shape because of the then existing way of resolving political clashes. Hence, when around1998 the reformative amendments and additions of the legislature came to place, such community-based justice response towards reform was seen as a way ahead for children in the age group of 10 years to 17 years of age in Ireland (Review of the Criminal Justice System in Northern Ireland

2000). This evaluation of criminal justice in Ireland whilst dealing with children focused more on human rights approach employing mediation, negotiation and dialogue, which marked the essence of the Good Friday Agreement of 1998. These recommendations made by the review group in 1998 were eventually implemented and adopted in the Justice (Northern Ireland) Acts of 2002 and 2004, these thereforeshowed greater commitments towards finding suitable alternatives to the custody ofthe children and emphasized on highlighting greater social responsibility towards juvenile offenders (S. 53).These reformative measures also focused on making the children realize the consequences of their delinquent behavior and become responsible in their overall behavior. Therefore, all these initiatives were aimed towards maximizing the child welfare. Contrary to these reformative measures Convery and colleagues evaluated the system in 2008 (Convery U, Haydon D, Moore L &Scraton P, 2008) and argued even the new legislation failed in children welfareas the age of criminal responsibility still continued at 10 years, as was in case of England and Wales. The authors argued that the system did not took cognizance ofthe basic guidelines of UN CRC towards children and deciding upon their best interests (UNCRC, Article 3).

The year 2003 witnessed the establishment of the **Youth Justice Agency (YJA**), aimed towards administering the YJS, which included the community services and responsibility centers, reparation orders, custody orders for children under the age of 14 years. In Northern Ireland restorative practices was incorporated completely within the child justice system. (Haydon, 2009).

The later years witnessed the introduction of diversionary powers within thejuvenile system, wherein police often relied on giving warnings and cautions to the CCL, instead of directly apprehending them, the establishment of **Public Prosecution Service (PPS)** offered such children a diversionary conference and even the courts relied on diversionary orders. Professional coordinator for conducting these YJS conferences enables various specialists and offender to come together, in terms of understanding the nature of the crime and its consequences forthe offender. A plan of action was drawn for such child, which is forwarded to the PPS or to court and subject to its acceptance it is then executed by YJA (Jacobson J., Gibbs P., 2009).

Convery and colleagues (2008) (Convery et.al.,2008) however argued that UNCRC recommendations regarding the age of criminal responsibility and reduction in theusage of custody of juvenile offenders did not progress. According to these authors, this strategy completely failed to address these issues, considering the social problems of poverty in Northern Ireland. By 2009, YJA claimed that it has dealt with child offences in a balanced way and handled the same with a restore equilibrium between victim, community well-being as well as the interest of offender.YJA surely has decreased the practice of custody for children. As a result of which there has been increase in thevictim participation and levels of satisfaction as compared to other reformative andrehabilitative schemes.[261] At the same time though, it was noted that at times offenders are not satisfied with this system of comprehensive plan though they mayagree to it, as there are many instances wherein the court might reject such plan submitted and order the offender to be subjected to adult prison, hence the efficacyand confidence in such plans may not be complete on behalf of CCL.

**REINTEGRATION MODEL IN JAMAICA**

The underlying factors of Caribbean youth indulging in crime and violence are similar to Indian CCL. They are lot of factors and are complexly inter-tangled. Caribbean children face poor education facilities, youth unemployment, 'feelings of voicelessness'. They also feel segregated from the national and regional governance processes. In most circumstances, it is a reaction to the threat and victimization they feel because of unrest in community. The United Nation Development Programme (UNDP) sees 'Youth Violence' not just as a security concern but much more than that. UNDP states, that youth violence must be seen as a critical problem in humandevelopment. In this light a project was initiated in Jamaica, viz., 'A New Path', directed to address societal, community inter-personal and individual factors which were resulting in youth violence and other crimes by youth population. The program works by "improving availability and quality of reintegration services, technical training as well as psychological support services" for children who get convicted.

This particular approach which was based on the sustainable development principle included multi organizations and agencies and was an inclusive effort. Among the various organization involved were the Ministry of National Security, the department of correction services in Jamaica as also the organization ofAmerican States. Private sector also joined in along with the civil society collaboration for this program and worked in coordination. The children/ adolescents and youths within the institutional facilities are trained with skills thatare on par with marketable level. To facilitate their successful reintegration back to society, such children are provided with individualized psychosocial support. The project also assisted these children with an aftercare by providing them with supportin their education as well as vocation studies as also helping them out with internships and employment prospects upon their release. Such youths were not leftoff post their release, rather a widespread case management was taken up monitoring their progress and change post their release for a period of six to twelve months by the authorities hence ensuring they are successfully a part of community.

As a result of this Model, a total of 950 youths have received support services. 385 females as well as male children could complete their educational and vocational courses as well as recreational courses too enhancing their personal lives.

Post-release support was given to 580 children including boys and girls. To help them towards their future financial stability, the scheme with the assistance of private sector provided 42 such children with jobs or apprenticeships. Another 21 ofsuch youths were given micro-grants towards starting their own trade. Also, 51 of the children received high level training for entrepreneurship. The program was seen to be so successful that, it was decided to expand it from two facilities to fourfacilities in various parts of country.

It must be remembered that the objective of the above project was kept as development and hence the programme was made "need-based" for marginalized children and youth. This project is positive because it "mitigates the damage causedby contact with the criminal justice system by providing decent work and targetedsupport with reintegration."

**KENYA MODEL OF REHABILITATION-REINTEGRATION**

This particular model works for the youth who come in conflict with law because of poverty. To break the poverty to prison cycle this program lays emphasis on giving community service sentences so the youth would avoid the prison. They are also assisted with financial aid while they work with the probation officers (PO) in close proximity. The PO decides upon what investment would help the particular youths. Entrepreneurial training have been a part of this program which are given along with a basic investment as a seed money to let such children to start basic business. Through this program, they were able to support themselves and their families and consequent reduce reoffending.

**REINTEGRATION MODEL: IAP, USA**

This model was introduced due to the needs to control rise in recidivism. Itgot influenced from the Intensive Aftercare Programme model as this was the first model to introduce the importance of intensive care to the juveniles with immediate effect as a youth enters any correctional institution or facility. The model has been used at the US Department of Justice. The main aim of IAP is to safeguard juvenile offenders from recidivism. There are three important components which are:

- Phase 1: Incarnation
- Phase 2: Transaction
- Phase 3: Aftercare

This model is used in continuous management that spans all the three abovephases. In initial phase 1 the steps of assessment of youth are being carried out thena master plan will be established. Reassessment of the plan takes place constantly significant parties such as the juvenile, family members, service providers are monitored regularly. This model includes the staff at the Juvenile correctional facilities; parole agent and community support system. In the second phase is usedfor the need related and risk assessment scales as instruments during transaction. Lastly, the third phase is the aftercare services are collaborative arrangements with the community so that there will be results of delivery of prescribed services and supervision. The main component of this phase is inter-agency collaboration.

Currently, the **Boys & Girls Club of Tabula Rasa (BGCTR)** is implementing this model. At present it is currently piloted in St. Paul, Jacksonville,Florida and Clark County, Nevada.

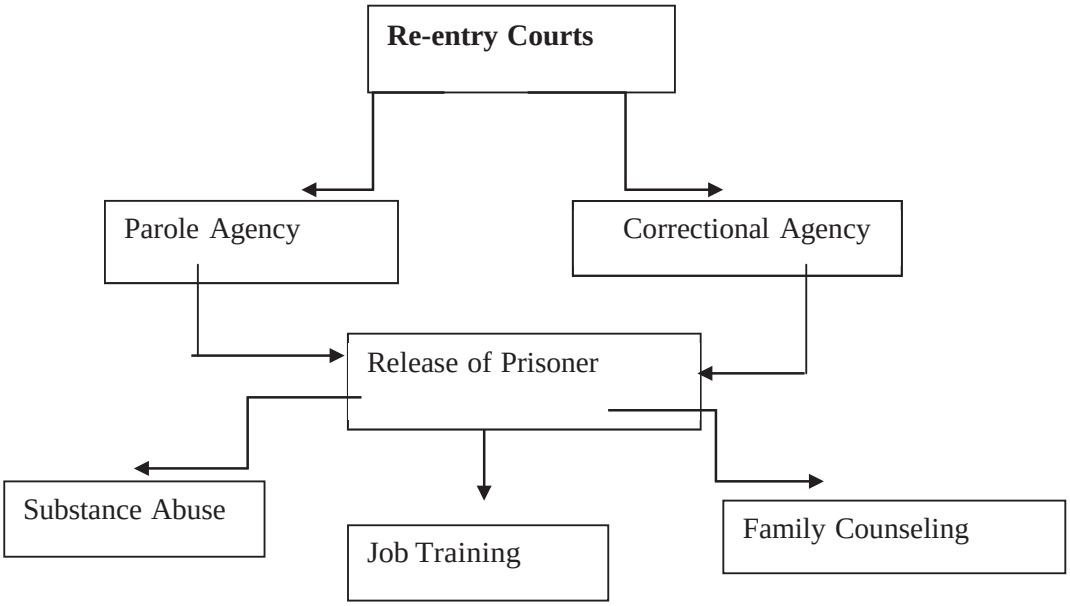
**REINTEGRATION MODEL: RE-ENTRY COURTPROGRAMME, USA**

Re-entry court is a court that supervises the return of the juveniles to thecommunity after the released from prison by using the authority of the court to apply graduated sanctions and positive reinforcement and to arrange resources to support the prisoner's reintegration.

It provides strict supervision from the concerned authorities such as judiciary, social services and other management. In U.S. this is a popular model as more than two dozen re-entry courts are in functionand is run by federal courts as well as state.

Majority of the rehabilitation services are without any follow up services after their released from jail. To keep a check onthe recidivism such a model is applied where the state, judiciary and other authorities work together to bring the juvenile back to society. The Parole officer works with prisoners to equip them with the workers outside the centers and contacttheir families on behalf of the juveniles also takes care of the mental health. The core elements of this model are: Assessment and planning, active oversight, management of supportive services, graduated and parsimonious sanctions, rewardsfor success.

**Figure 3.1: Reintegration Model, Re-entry Court Programme**




The Re-entry model is very well known in the U.S. namely; San Francisco, New Castle County DE, Sussex County DE, Cedar Rapids IA, Harlem (New York City) NY, Richland County OH, so on. In Kentucky and Delware, this model is combined with drug court model. According to Wolf re-entry court paroles were less likely to be arrested. The other example is Missouri re-entry court where they use 'transitional accountability plan' which have been established in most Missouri prisons.

**WORKWISE MODEL OF REHABILITATION ANDREINTEGRATION – NETHERLAND**

This Model was initiated in Nederland since 1998 and it is already seen as asuccessful model for Rehabilitation. It is majorly funded by the Ministry of Justice.Many European countries and even jurisdictions outside EU have taken this program as a model and emulated its features in their juvenile justice system. The program started working for the convicted boys and girls aged between 15-24 years who were placed in a judicial institution. Out of the total 14 institutions, 13 participated to apply work-wise model for rehabilitation.

Most of these children had a long offending history and were prone to recidivism. In 2006, more than 2400 juveniles joined the Work-wise program. In 2007, 1553 were out and 851 still in the program. 1334 of the total received certificate, 735 followed apprenticeship and 87 received jobs. Approximately 710 were provided with aftercare.
The program aimed at changing the paradigm on juveniles, where it was considered that-

- Prison is a safe solution for the society as the trouble makers are outside the society
- Prison will be deterrent for recidivism and is a punishment
- Punishment ends with prison time, and
- Prison gate is end of process
  To bringing change in thought process as –
- As per Sampson and Laub, Social capital (through socialrelationships) will decide chance of recidivism.
- The more a child lose this 'social capital', the less attractive delinquent behavior will be
- Exclusion from society means no chance of building social capital.

Hence, the Work-wise model worked on principles that prison is not the end goal rather it should be seen as a fresh start. During this time of prison, a child whohas come in conflict with law can build upon this social capital. The important factor therefore becomes that the prison time is within society and not outside andlastly, the rehabilitation cannot end at prison gate. The model considers that when the ex-delinquents have a lot to lose that's when the society is safer. If the prison isn't the end then how to optimally use the prison time becomes important.

The model provides for a complete **uninterrupted tailor-made routine** during prison

- Don't start at the prison gate – but long before
- Don't stop at the prison gate – but long after

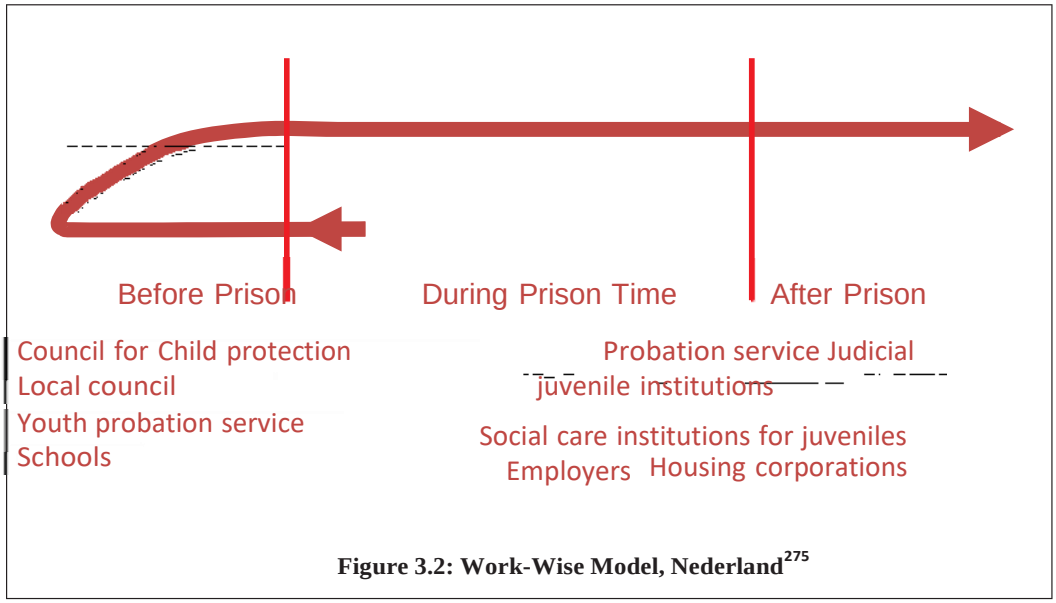



**Figure 3.2: Work-Wise Model, Nederland**[275]

The Model lays emphasis on a comprehensive rehabilitation program with **Work + Education +Housing + Leisure time + Social network** focus. Work andeducation focus on giving employable skills, certification as well as providing placement and assistance in filing applications for jobs. The reliance is given on living independently and it is taught to such youths how to productively cope withthe leisure time. Such time must include a structure of daily life. Training on healthcare, cooking dealing with money and cleaning one's house was provided to all children. Several sports and leisure time activities were also included in theprogram. The social network is also an integral part of this training module. Intensive coaching is provided for socially acceptable behavior, social skills and relationships.

The constructive element of this model is that it claims that **inter-agency work** and cooperation is at the root of this model and not the money. Also to provide genuine individual tailor-made routines an **Individual Routing Counselor**is allotted. The work of individual routing counselor is to Guide, coach, supervise, todraft plans, mediate, monitor process. He also works as performer as well as reporter. The individual plan is based on needs, possibilities, motivation and chance of recidivism of the child. The model works on the content that the implementationof the program should be as short as possible inside the prison and as soon as possible outside the prison. The inter-agency cooperation and child's journey during the program is depicted below as provided by its team.

**REHABILITATION AND REINTEGRATIONWITHIN INDIAN JUVENILE JUSTICE**

Juvenile justice is no longer based on the ideal of criminal justice of punishment. It understands that children can get influenced from the adult criminalshence they need to be separately dealt and emphasis must be given on reforming the children while they are still in their growing age. Therefore the juvenile justice framework is knit in the manner which eventually helps the CCL to recover throughvarious rehabilitative and re-integrative measures and methods which would be community based and it shall be an endeavour of the State to see to it that they are put within the institutionalized care only as a last resort.

The JJ Act 2015 was enacted to cater to the basic rehabilitation needs of children, making huge emphasis towards protecting, developing and fostering careto them so that they are able to socially integrate back to community. The JJ Act 2015 provides for offences to be categorized as:

1. Heinous offences is defined under Section 2 (33), i.e. **"heinous offences",**Which are offences under IPC/other law which would attract minimum punishmentof imprisonment of 7 years or more.
2. Petty offences is defined under Section 2 (45) i.e., **"petty offences"** which are offences under IPC/other law attracting maximum punishment of imprisonmentof upto 3 years or more.
3. **"Serious Offences"** under Section 2 (54), these could be defined as offences under IPC/other law which attract minimum punishment of imprisonmentof 3-7 years.

The Act 2015 provides for CCL to be kept within any institutional care as a measure of last resort after reasonable enquiry in chapter II under General principles of care and protection of children (S. 3 (xii), JJ act 2015). These General principles are meant for children who come in conflict with law as well as for children in need of care and protection alike. Collective reading of sub section xii and xiii of section 3 clarifies that each child not only should be institutionalized as a last resort but also it shall bean endeavour of the State to ensure that any child who comes within the juvenile justice system shall have the right to be re-united with his family at the earliest andbe put and restored in same economic social and cultural setup from which he camefrom, unless it would be against his best-interest.

In the light of understanding general principles in its true essence and spirit, the JJB's have to give their orders under Section 18, which provides for orders which may be taken with an approach of sending the CCL back to their environment, unless it may be against the best interest of such child.

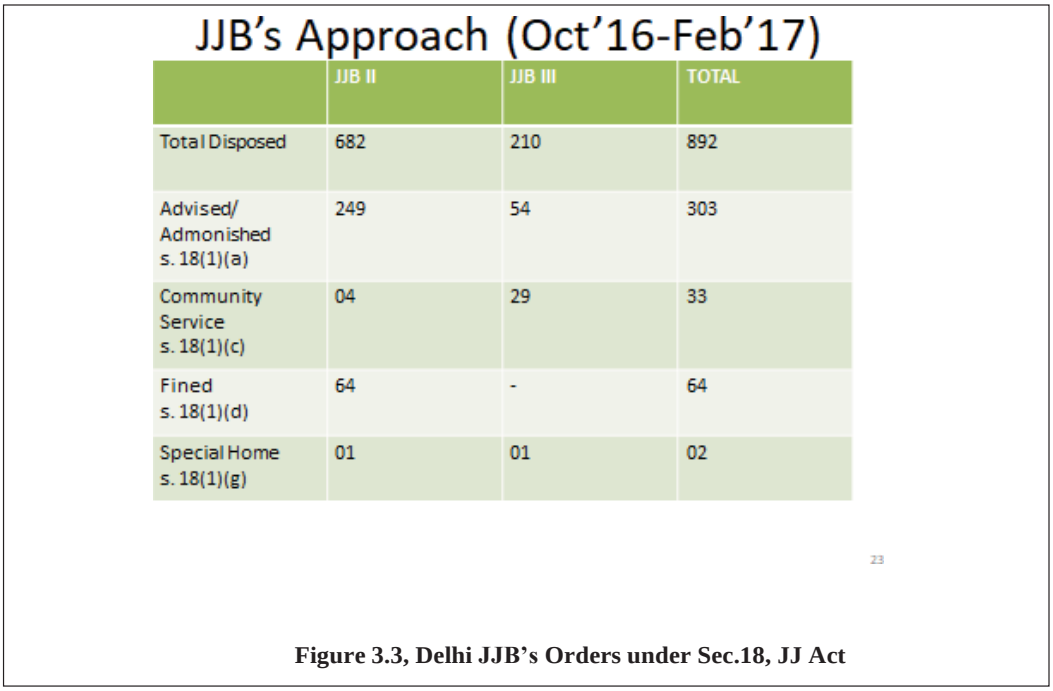
Section 18 provides for a large ambit of decisions that a Board may take, will suit the needs of the child more instead of keeping each childin the institutional care of State. Section 18 (1) of the JJ Act, 2015 mentions, "if the board after inquiry feels satisfied that a child, of whatsoever age, has committed a serious or petty offence; or any child has committed heinous offence while he was below the age of 16 years, than considering the facts and circumstances brought outin the SIR and as per needs of child and his/her past conduct (Section 18 (1) of the JJ Act, 2015), as the case may require, the board may send the child back to the family after advice/admonition.

- May instruct to take part in group counseling
- May order ask the CCL to take part in community services
- May levy monetary penalty
- May release the CCL on probation if his/her conduct is found to be good and order that the said child is to be kept with the parent/guardian/or fit person
- May order that the child to be kept in Fit facility, on the basis of good conduct, with proper supervision and guidance

May order such child to SH for a period of maximum of 3 years wherein such a child is to undergo various rehabilitation programs, in the form of education, vocational training, therapies aimed towards behavior improvement and most importantly psychiatric support and de-addiction programmes (Haveripet P,2013)

In the State of Delhi, JJB's approach in giving orders under section 18 was studied as a part of the present study by researcher. Figure 3.3 below, depicts thatbetween October 2016-February 2017, the total disposed cases in the period of 5 months collectively from JJB II and JJB III were 892. Out of the total disposed 892cases, 303 children were sent back to their family setup after advice/admonishmentunder sec.18(1)(a). While 33 were ordered community service, 64 were fined. In this period, only 2 children were sent to Special Home by the JJB's.

It is an attemptof the JJB's in the State of Delhi to restore the children back to their home and original surroundings when they appear before them, unless such decision may be against the well-being of that child. It was also observed that some of the JJB's were trying to give orders of community service tying up with other organizations, which wasn't the trend until few years back. Most CCL below the age of 15, whoappeared before JJB for petty or serious offences were also given bail orders as soon as possible while their inquiry was pending, instead of them being kept in the OH.



JJB's Approach (Oct'16-Feb'17)

| | JJB II | JJB III | TOTAL |
|---|---|---|---|
| Total Disposed | 682 | 210 | 892 |
| Advised/ Admonished s. 18(1)(a) | 249 | 54 | 303 |
| Community Service s. 18(1)(c) | 04 | 29 | 33 |
| Fined s. 18(1)(d) | 64 | - | 64 |
| Special Home s. 18(1)(g) | 01 | 01 | 02 |

23

**Figure 3.3, Delhi JJB's Orders under Sec.18, JJ Act**

In another study of 46 Observation Homes in Maharashtra, the findings of Dabir and Nigudkar (2005) highlighted that negligible facilities were available for vocational training and only 1-2 teachers to teach children of varied age and educational backgrounds. Only seven Homes had the facility of a child guidance clinic in their premises. Majority of the magistrates and the superintendents suggested employment-oriented education for juveniles in conflict with law. After-Care was found to be one the weakest components in rehabilitation in Maharashtra.

For a successful rehabilitation and re-integration of CCL, it becomes necessary to develop a multi-dimensional, inter-agency approach. Prevention of juvenile crimes with proper timely interventions can help strengthen the rehabilitation process. There must be focus on ensuring that all needs of a child are duly met, for e.g. his emotional, relational, physical needs etc. Also, it must be seen that his/her Creative, intellectual as well as even spiritual needs are met. There must be a paradigm shift from need based approach to "rights-based approach" while rehabilitating such children who may come in conflict with laws (Pradheepa P, Murlidharan K.2005).

During a study on Rehabilitation and Reintegration (R&R) of children in conflict with law by **HAQ** a database of vocational courses managed by NGOs for children in Homes in Delhi was prepared. It was observed that organizations mostly offer courses on beauty culture, computer courses which include tally, MS Office, MS Excel, Hardware, desktop publishing, etc, and cutting and tailoring courses which include dress making, sewing, fashion designing. Typing and stenography is also widely offered.

With the help of suitable resource persons, training to the juvenile helps the child in mastering his/her skills thereby helping the child to earn some income. Vocational training is definitely a good way of rehabilitating, reintegrating the child back into the society.( Kakar S,2015). **Prayas Observation Home for Boys (POHB)** runs the 'Yuva Connect Aftercare Programme,' which provides vocational training and effective social re-integration of children in conflict with law. It is a project for youth in need of socialintegration and rehabilitation of CCLs who are about to leave or have left POHB in Delhi. The state is required to frame a policy with proper financial back-up to strengthen the initiative of NGOs involved in such projects (Kumari V.,2015)

The **SOP** recognized **by Ministry of Women and Child Development** (MWCD) drafted by **ECHO** suggests that for effective after care of the children ininstitutional care and even when they are out of the system, linkages with Jan Shikshan Sansthan for skill development should be done and workshops should be organized. This therefore suggests that the basic objective behind the establishment of JSS is to extend vocations training to juvenile offenders who are illiterate, neo- literate or are school drop-outs. The methodology adopted by JSS is to identify the skills in the

individual juvenile and assess these skills in the light of the market demand so that acquiring these skills eventually help these offenders to earn their livelihood. The Jan Shikshan Sansthan is an initiate of MHRD provides short certificate courses and this convergence will be more effective than setting up of own vocational training centre in Observation Home. The Vocational trainer shouldfunction as a vocational training organizer and organize vocational trainings through such linkages.

It further suggests for a weekly Bala-Panchayat by the children with their peer-mates at institutions. The aim of Bala-Panchayat is to provide opportunity forthem to take responsibility of their actions. It develops **"we"** feeling among the children. Bal-Panchayat inculcates self-discipline, improves self-confidence, motivates them in team building & methodological thinking, gives clarity about their goal and aim and enables them to deal with their problems. Bala-Panchayat helps children voice their opinion before the management in a systematic and democratic manner.

**SOP** provides for **Post-release follow-up** plan so the children do not get back in conflict with law. Hence, it a child care institution themselves or through NGO's must maintain regular contact with the children and their families. Institutions should conduct half yearly meets to get a feedback from the juveniles about their current situation and to ascertain the further interventions required for their successful rehabilitation.

**REHABILITATION-REINTEGRATION "PROJECTS" IN INDIA**
Government has tied up with various NGO's to provide specific services while dealing with children in conflict with law. In India few such organizations have taken a lead and given some success in the Rehabilitation and Reintegration process. Few of their models are discussed as under:

**3.15.1.** One of the recognized Fit Institutions, **ECHO Empowerment of Children and Human Rights Organization (ECHO)** has worked on a successfulproject on rehab-reintegration process in Bangalore, Karnataka.

**Traffic Police Assistant Programme (TPAP)**: This programme was initiated in cooperation with the Department of Police in Bangalore since 2002 aiming at metamorphosing CCL and neglected children into responsible members of society. Through this intervention former law breakers become law enforcers later. A total of 702 young boys and young girls in between the age group of 16-20 have received this vocational training and certification from traffic police.

As Traffic Police Assistants the inmates gain dignity, respect and self-worth next to financial independence. There were monitoring and salary challenges though it wasseen as a good measure to undertake. Restaurant with children in conflict with lawas staff was initiated. Culinary Skill certificate was given to few CCL and were absorbed by star hotels in hospitality industry.

**3.15.2. Society for Promotion of Youth & Masses (SPYM):** A program called 'Hope for Juveniles' was initiated by SPYM. A centre in the Delhi Seva Kutir complex (juvenile Board I and III and OH is also located at the same complex) was set up in 2010 at the behest of Honourable Juvenile Justice Committee, High Court of Delhi by wherein SPYM, a pioneer non-profit organization working in the field of Drug Abuse Prevention and Treatment since 1986, consented to provide De-addiction Services to children in Conflict with Lawwithin the OHB complex without any financial liability on Dept. of Women & Child Development, Govt. of NCT of Delhi.

Currently Sahyog Centre is run under mentoring support of Dept. of Women & Child Development, Govt. of NCT of Delhi. It was recognized with National Award in 2014 for best innovative practices for rehabilitation & reintegration of children in conflict with law recovering from substance use disorder. The detailed rehab-reintegration model of the in state is discussed in chapter 5 under Delhi study. The biggest challenge in the face of this being a successful rehab-reintegration model is that the stay for the CCL here is limited to 3months, subject to a marginal increase via order of JJB or CC. Since as per SPYMrecord, almost 50% of children relapse into substance abuse, it's an insufficient time. Lack of financial support also becomes an impediment. Lastly, this institute works as a fit facility for specifically addicted CCL only. It does not work as a Rehab-reintegration facility for all CCL assistance.

**HAQ: Centre for Child Rights**, Delhi is an NGO working for childrights in Delhi for many years. Though it's not directly involved in providing R&R to CCL, it does provide integral elements to CCL needed for their successful rehabilitation. They use 'twin-track approach 'of **Children and Governance** and **Child Protection.**

Under its children and governance programme, HAQ monitors the executive, the legislature and the judiciary through budget analysis looking from achild's rights perspective. Under this program they conduct examination of the existing status of India's children, analysis of child rights issues and debates, and engagement with justice delivery systems. Under the **Child Protection** programme, HAQ provides support and legal aid to children, works to build a cadre of child rights lawyers and defenders and undertakes capacity building of service provides and various stakeholders

In the last 10 years, a total of more than 901 boys and 19 girls in conflict with the law have received counseling support from HAQ to move on and lead a productive life. Counseling venues are located at the JJB's, the Observation Homesas well as in the HAQ office in Delhi. Need based home visits are also taken up bythe staff of the organization.

**BUTTERFLY,** an NGO along with **Delhi Commission for Protection of Child Rights (DCPCR)** conducted a study in 2015 on children in conflict with law as to 'Why Children Commit Offences'. The study was vital forunderstanding the socio-economic profile of CCL as well as relation between poverty and crime. The study also looked into multiple factors like parental neglect,school factors as well as peer factors into account. Butterfly has over the years alsoworked for child rights and CCL has benefitted from their project. Vocational training of culinary and education (along with the street children) via Butterflies School of Culinary &Catering as well as through computer educationthe NGO has assisted CCL to reintegrate back in community. Butterflies also works in research and advocacy and training which works to support mobilization of civilsociety and influences policies at all levels.

**PROPOSED FRAMEWORK FOR MANAGEMENT, REHABILITATION AND REINTEGRATION OF CHILDREN IN CONFLICT WITH LAW**

Research has shown that appropriate rehabilitation outcomes can be achieved only through properly understanding the nature of the rehabilitation programs, the specific needs of the offending child and the environmental settings under which these programs are to take place. ( Howell K., Day A., 1999), Therefore, in this context, the principle of "What Works" might be considered, this principle broadly includes requirements regarding **Risk**, **Needs**, **Responsivity**, **Integrity** and **Professional Discretion (**Day A., Howell K., Rickwood D.,2004).

As per Day, Howells, and Rickwood, therefore "reductions in recidivism can be maximized when programs select appropriate candidates, target factors that directly relate to their offending, and are delivered in ways that facilitate learning."

'What works' principles is simple in approach, according to this principle the maximum emphasis is given in the area which needs maximum attention, i.e. thechildren who are post assessment seen as the ones most likely to repeat acts of offending law, or the ones who are in most risky environment that may make themmore prone to commit offence, such children should be selected to be provided withmost intensive and rigorous program.

This in return helps in maximizing the objectives of the rehabilitation as well as works as a guide in allocating resources. This approach helps in improving rehabilitation program results and outcomes.

This type of Case Management approach wherein different children who offend are categorized as per their level of program and resource allocation. The approach involves programming at four varied strata and has been found to be highly effective in case of rehabilitating and reintegrating the CCL.

Day and others while elaborating this approach strongly recommend that level 3 and level4 programs are meant and is particularly effective in case of juveniles who are at higher risk of offending. The authors further state that this approach aims at minimizing the risk of offending and emphasizes on trying to minimize the factors responsible for offending pattern of such children.

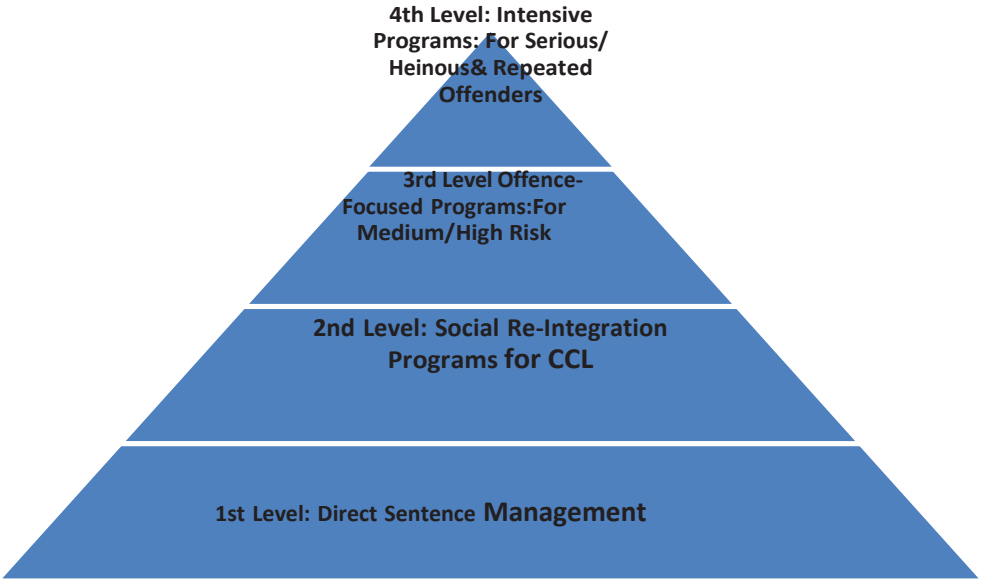

4th Level: Intensive Programs: For Serious/ Heinous& Repeated Offenders
3rd Level Offence-Focused Programs:For Medium/High Risk
2nd Level: Social Re-Integration Programs for CCL
1st Level: Direct Sentence Management

**Figure 3.4 Proposed framework towards rehabilitation of CCL (Howell and Rickwood et al. 2004)**

This framework suggests that there is an urgent need for the availability of various programs that would assist in complete rehabilitation of a child, for e.g. programs must be initiated for preventing recidivism would include programs forfighting substance abuse, psychological support to minimize the crime and offending attitude due to peer and socio-conditions etc. Therefore, the systematic execution of these strategies at correct intervention times must be initiated towards varied groups of children at each level, which will necessitate the accomplishment of Rehabilitation objectives towards CCL.

In this framework, it is suggested that the interventions at level-4 need to be most intensive as this related to the most likely offending behavior of the juveniles. Therefore, professionally such intervention may also be extended to those offenderswhose behavior is most harmful, viz., most violent or sexual offences by children etc. There has to be ample monitoring of the effective implementation of all provisions, viz. feedback jurisprudence must be adhered to effectively within the system.

To add to the proposed framework and **summarize the above in the Indian scenario**, there is no single established rehabilitation-reintegration Model of excellence for CCL in India but different organizations, (government child care institutes as well as NGO assisted) have provided good project/s with success rate.The challenge here, are:

The Law provides that Rehabilitation and Reintegration should be the principle aim of the Juvenile Justice Act 2015. Consequently, in furtherance to implementation of the law, R&R must be provided for **ALL** the Children who come in conflict with law.

On what basis it can be decided who should be chosen or given R&R facility under these organization/s NGO support and who can be leftout?

While OH/SH/NGO/Fit Facility may work on some CCL – absence of structured tie-ups with the other agencies, NGO's where all the CCL are assisted as per individualized plan is still lacking.

The lawprovides for proper rehabilitation and reintegration within the institutional setup.

At the same time, it is also flexible enough on various services / measures to be taken by separate institutes to incorporate the ICP/ Individual treatment. What we need is not some success stories but how the JJ structure is lacking and how the structure has to work to incorporate the proper implementationtowards R&R for all CCLs.

In the above light, **Recommendation Report on Regional Consultations** post the round tables in different parts of

country, organized by Hon'ble **SupremeCourt Committee on Juvenile Justice** and supported by **UNICEF India** in 2016identified the major problems in Rehabilitation of CCL in different regions of India.Some of them are listed below (Supreme Court Committee on Juvenile Justice andUNICEF India, 2016):

1. Insufficient SH units in each state
2. Lack of focus on R&R in SH
3. Inadequate facilities in OH and SH
4. Insufficient staff within OH and SH
5. Inadequately trained staff in OH/SH including the PO's, mental health providers and other staff.

Such inadequately oruntrained staff may result in cases of abuse of CCL and failsrehab measures.

1. Hesitancy of JJBs in granting bail
2. Lack of individualized care to CCL neither any successful process of follow-up
3. Lack of R&R oriented services
4. Improper facilities for disabled CCL in OH/SH
5. Unprofessional attitude/initiatives towards CCL's social integration
6. Reluctance of families in accepting CCLs
7. Very little emphasis by JJBs towards giving diversionaryorders like community service
8. Huge shortage de-addiction centres
9. Poverty alleviations measures are lacking; hence rehabilitation fails due to lack of community and non-institutional cooperation.

## CONCLUSION

In agreement with the Hon'ble Supreme Court Committee's study and Justice Madan Lokur's inputs given regarding the same, the above listed challenges seem noteworthy. The challenges and problems towards Rehabilitation and Reintegration have to be dealt in a structured manner. The child care institutes for CCL under the law play a very important role in ensuring proper rehabilitation and reintegration of such children. Hence adequate careful planning must be done to ensure optimum results can come out of them with the help of framed methodology.It must be ensured that Observation Homes, Special Homes and Place of Safety are indeed become a 'safe place' for the CCL and not a training ground for them to become hardened criminals.

Rehabilitation and Reintegration "at first sight appears to be a relatively straightforward concept...but in fact rather more complex. Just what is meant by it,what we think it entails and how we justify doing it or attempting it depends to a great extent on the theoretical stances we adopt". One proposition of the concept of making an effort towards rehabilitation and reintegration of such children who come in conflict with law is based on the idea that CCL aren't able to understand the implications of their actions and hence their action modification or "behavior modification" is required. Thus the need for "appropriate moral guidance" towardschanging their thought process is one step towards rehabilitation as noted by Robinson and Crow (2009). Also, Rehabilitation and reintegration has economic, social, emotional and personal implications. There would be children who would need primarily economic rehabilitation. Yet others would need material and social rehabilitation. Rehabilitation and reintegration are an integrated process that requiresinter-agency participation, involving time, appropriate planning and close interaction with the child.

With the increase in cities being more and more urbanized, the rate of juvenile offences also increases. As there is a rise in more and more family choosing to reside in a nuclear setup, family beings segregated under employmentshifts, the surge in neglected children results in an urban living. In this context UN opines that the higher rate of juvenile offenders could be attributed to hugedifferences in cohesion and social control. In the rural scenario it has been observed that due to closely-knit family structure in the rural setup there are better chances ofsupervision and control over the children, the same stands true for smaller housingunits and communities where everyone is familiar to each other and hence there arelesser chances of child developing delinquent behavior, and even when children dotilt towards in such direction, the other members informally can address such misconduct (Bose A B, 2003).

So, while the institutional set up needs proper changes for successful rehab-reintegration, the new urbanized challenges must be borne in mind which may impact the recidivism and relapse. Despite international instruments and robust national legislation, the implementation of the Act leaves much to be desired. The condition for the majorityof children within the juvenile justice child care institutions remains still more akinto a prisoner. The rehabilitative-reintegration

services mandate provided through the Act 2015 as well as Model Rules 2016 is comprehensive, however it still lacks theshape of a structured methodology-based model, hence the implementation seems ineffective in many states.

A special team consisting of professional social workers, advocates, counselors, mental health care providers, psychiatrists, child rights experts, NGO's, Placement cells, Outreach staff in assistance with private sector etc., should be established in order to provide uninterrupted continuous Rehabilitation and Reintegration which can be tailor-made as per need of CCL. Concerned nodal authorities, the State and District Child Protection Units should work in assistancewith such teams.

It is pertinent that to make each and every professional including but not limited to PO, case-workers and counselors etc., in this regard accountable towardschildren who stand at a higher risk for repeat offending. Proper case management ofCCL as well as continuous outcome-based monitoring along with ensuring that as per CCL needs, all support like educational, mental health, vocational trainings, health needs as well as economic support is provided for. It must be seen that CCLis also supported with all kind of chemical dependency and substance abuse treatments. Further it should be seen that such support is extended to both the CCLwho are living in OH and SH, as also to those who are living within their community. All this would form an integral part and process of rehabilitation and reintegration.

There are countries like Finland which provide free Higher education. It would surely be a good initiative if Government of India can extent the benefit of Right to free Education not just till 14 years of age but at least till higher secondarylevel or till eighteen years of age to all children. It has been proven by various data-based studies that most of the CCL are school dropouts. Such an endeavor will ensure that the children of that age group are retained in common neighborhood schools until age 18, so as to protect them from any risk against exploitation, neglect and abuse.

Rehabilitation calls for a systematic and organized and planned effort on thepart of the all-child care institutions as well as the other agencies involved to consciously concentrate on the child's self-development and his/her future prospects. Another important aspect is the social reintegration of such CCL back to active community. Under Indian law 'social reintegration' is a more recent addition, although the same was incorporated in subsequent Juvenile Justice Act, 2000 and later in 2006 post its revision. During the inclusion it was felt that 'reintegration' will provide the children an essential step post their institutional stay and will help in their return to their community. A successful reintegration would make certain such return back to community is effective and the child is accepted back by the community and doesn't fall into "secondary deviance" (Lemert E.M., 1972).

It is vital thatreintegration measures must include a substantial follow up period to safeguard thatsuch child does not leap back towards conflicting laws.

Finally, while building the capacity and skill of a CCL towards independence leading a more responsible life, it must be seen that the skills are rightfor the child and marketable. It was argued by the research of a Canadian Investigator for correctional system that the skills that are imparted to the children in such institutes as a part of their rehabilitation program does not match the industry standards and as a result of this the children are often found to be struggling in getting suitable job offers and opportunities post release (Global Prison Trends 2018) Such outdated trainings may look good momentarily as a progress for a child care institution to show, but seldom do much towards effectively rehabilitating a youthaway from crime and reintegrating him/her back to community.